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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,356	03/10/2005	Petrus Gerardus Meuleman	NL 020840	4862

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

CASLER, TRACI

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,356	Applicant(s) MEULEMAN, PETRUS GERARDUS	
	Examiner Traci L. Casler	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on March 10, 2005.

Claims 1-12 are pending.

Claims 4-9 are objected.

Claims 1-3, 10-12 rejected.

Claim Objections

1. Claims 4-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim they depend from other multiple dependent claims See MPEP § 608.01(n). Accordingly, the claims 4-9 not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. Claims 1-3 and 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. Claims 1 and 10 are drawn to a limitation of estimating a score of relevance and a score of reliability. However, the applicants disclosure fails to teach how one would determine the relevance scores and reliabilities as well as what information is used in making the determinations. One of ordinary skill in the art would not know how to make and or use the invention to yield reproducible results.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 20030089218 Gang et al; System and Method for Prediction of Musical Preferences. Hereinafter referred to as Gang.

6. As to claims 1 and 10 Gang teaches a method and apparatus for:

7. retrieving information about media content (**Pg. 1 ¶ 10 Gang teaches several methods for retrieving information**)

8. retrieving implicit information representing feedback information about a user's interaction with the media system, wherein said implicit information also relates to said information about media content; (**Pg 1 ¶ 11 Gang teaches information that is implied about a song**)

9. estimating a first score representing relevance of the media content based on the feedback behavioral profile and at least one of implicit and explicit information; (**Pg. 2 12 Gang teaches using user specific information with implied information to create a "like" or interest rating.**)

10. estimating a second score based on feedback behavioral profile and the first score, wherein the second score represents reliability of the first score; and **(Pg. 21 claim 4 Gang teaches a second scoring method based on distances between songs with other rated songs)**

11. updating, by an interest profile maintenance, the interest profile based on said first and second scores. **(Pg. 8 ¶ 96 Gang teaches updating a users profile with similar songs that have been recommended).**

12. As to claims 2 and 11 Gang teaches receiving explicit feedback information about a song(Pg. 1 ¶ 11 user rating) and updating the profile with recommendations of at least ONE of implicit or explicit information(Pg. 8 ¶ 96-98).

13. As to claims 3 and 12 Gang teaches updating the profile with recommendations of at least ONE of implicit or explicit information(Pg. 8 ¶ 96-98).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

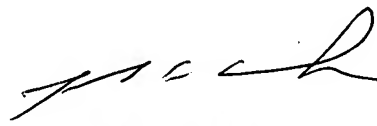
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Traci L. Casler

A handwritten signature in black ink, appearing to read 'Traci L. Casler', followed by a horizontal line.A handwritten signature in black ink, appearing to read 'John G. Weiss', followed by a horizontal line.

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600